

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY C. ALLEN,

Plaintiff(s),

v.

07CV1398

JEFFREY A. BEARD, et al.

Defendant(s).

Order of Court Denying Plaintiff's "Notice to Appeal" (Doc. No. 57)

This is a *pro se* prisoner civil rights case. Pending before this Court is plaintiff's "Notice to Appeal" (doc. no. 57) the August 18, 2008 Order of United States Magistrate Judge Cathy Bissoon (doc. no. 53), wherein Judge Bissoon granted a defense motion to take the deposition of plaintiff. To the extent plaintiff objects to having his deposition taken by the defendants, said objection is overruled and his appeal is denied. *See Cipollone v. Liggett Group, Inc.*, 785 F.2d 1108, 1113 (3d Cir. 1986) (Magistrate decision on a non-dispositive motion will be set aside only if the order is clearly erroneous or contrary to law). The August 18, 2008 Order of Judge Bissoon is hereby AFFIRMED (doc. no. 53).

SO ORDERED this 5th day of September, 2008.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record

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